

**REMARKS/ARGUMENTS**

After the foregoing Amendment, claims 30-38 are currently pending in this application.

**Claim Rejections - 35 USC §103**

Claims 30, 31 and 33-36 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2003/0214932 to Ariyoshi et al. (hereinafter “Ariyoshi”) in view of U.S. Publication No. 2005/0054366 to Chen et al. (hereinafter “Chen”).

Claim 32 is rejected under 35 U.S.C. §103(a) as being unpatentable over Ariyoshi in view of Chen as applied to claim 30 and further in view of U.S. Patent No. 6,470,001 to Kim et al. (hereinafter “Kim”).

Claims 37 and 38 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ariyoshi in view of Chen as applied to claim 36 and further in view of U.S. Patent No. 6,438,377 to Savolainen (hereinafter “Savolainen”).

Applicants disclose a method and base station for aligning a field unit that comprises receiving a reverse link signal from a field unit and determining a gross timing offset with respect to reverse link channels from other field units sharing the same reverse link logical channel. A metric associated with the received reverse link signal is calculated and a determination based on the metric whether the base

station should control the alignment of the field unit is selectively made. The references cited by the Examiner do not disclose Applicants' claimed method and base station.

Ariyoshi discloses a system comprising a base station and a plurality of terminal stations, the base station providing a plurality of channels to forward and reverse links and each terminal station being provided in correspondence with each channel constituted of a pair of forward and reverse links. The base station feeds information, which indicates a phase difference between a phase of a received signal detected at each channel on a reverse link and a reference phase of a de-spreading code at a base station. Each terminal station synchronizes a phase of a spreading code of a transmitting signal on the reverse link with the reference phase at the base station, in accordance with the phase difference information received at the corresponding forward link of the channel. See Ariyoshi, paragraphs [0016] to [0019].

As set forth in Ariyoshi, the Ariyoshi base station determines a phase difference for each channel associated with a terminal station. Ariyoshi does not determine a gross timing offset with respect to reverse link channels from other units sharing the same reverse link logical channel, as required by Applicants' disclosed method. As the Examiner has admitted, Ariyoshi also does not disclose calculating a metric associated with the received reverse link signal, and selectively

determining based on said metric whether said base station should control the alignment of the field unit. See Office Action, page 3.

As previously argued by Applicants, Chen discloses a method and apparatus for adjusting the transmission power of base stations in simultaneous communication with a mobile station. Like Martin, Chen does not disclose the determination of a gross timing offset with respect to reverse link channels from other field units sharing the same reverse link logical channel and selectively determining, based on the metric, whether the base station should control the alignment of the field unit. In Chen, the mobile station determines the transmit power to be used by the base station the mobile station is being handed to. The base station in Chen does not determine a gross timing offset relative to other field units, nor does the base station determine whether it should control the alignment. Accordingly, Chen is contrary to Applicants' disclosed method and apparatus.

Neither Kim, nor Savolainen, disclose those elements of Applicants' disclosed method and apparatus missing from Martin and Chen. Therefore, Martin, Chen, Kim, or Savolainen, alone or in combination with one another, do not disclose Applicants' method and apparatus claimed in claim 30.

Claims 31-38 are dependent upon claims, 30, 31, 33, 35, 36 and 37 and the Applicant believes these claims are allowable over the cited references of record for the same reasons provided above.

**Applicant:** Proctor, Jr. et al.  
**Application No.:** 10/717,995

Based on the arguments presented above, withdrawal of the §103 rejection is respectfully requested.

**Conclusion**

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,  
  
Proctor, Jr. et al.

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